

## **REMARKS**

This responds to the Office Action dated September 20, 2005 in the above-captioned application. No claim amendments have been made. Reconsideration of the application in view of the following remarks is respectfully requested.

In paragraph 2 of the Office Action, claims 3-9, 12-17 and 20-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Prammer (U.S. Patent No. 6,005,389) in view of Edwards (U.S. Patent No. 6,452,389). The priority date of the Edwards patent is February 7, 2001.

In response, applicant submits herewith a Declaration under 37 C.F.R §1.131 ("the Declaration") by the sole inventor, Mr. Teruhiko Hagiwara, accompanied by support materials in the form of an invention disclosure attached as Exhibit A. The attached Declaration and Exhibit A establish that Mr. Hagiwara conceived the claimed invention prior to February 7, 2001, the effective date of Edwards, and diligently worked on the present application until its filing on March 13, 2001. Accordingly, it is respectfully submitted that Edwards is not available as prior art. Further, as explained in applicant's previous response dated June 27, 2005, the Prammer reference, alone or in combination with any reference of record that is available as prior art fails to disclose, teach or suggest the limitations of independent claims 3, 12 and 20. By way of an example, the art of record fails to disclose time domain averaging over different time intervals, as recited in claims 3, 12 and 20. Accordingly, it is respectfully requested that the above rejection be withdrawn.

In paragraphs 3-9 of the Office Action, claims 4-9, 12-17 and 21-25, which depend from claims 3, 12 and 20 respectively, were rejected as unpatentable over Prammer in view of Edwards under 35 U.S.C. §103(a). Claims 4-9, 12-17 and 21-25 depend on independent claims 3, 12 and 20 and are believed to be patentable for the same reasons set forth above. Therefore, applicant respectfully requests that the rejection of claim 4-9, 12-17 and 21-25 be withdrawn.

In paragraph 10 of the Office Action, claim 26 was rejected for the reasons stated with respect to claims 3-5. Claims 3-5 were considered above and are believed to be patentable over the prior art of record. Accordingly, with further reference to applicant's June 2005 response, applicant respectfully requests that the rejection be withdrawn. For substantially the same reasons, applicant submits that claims 27-28, which depend from claim

26, are also patentable.

Applicant submits herewith a Supplemental Information Disclosure statement accompanied by the required fee.

**Conclusion**

In view of the foregoing remarks, applicant respectfully submits that the present application is in condition for allowance. A favorable decision by the Examiner to that effect is respectfully requested. Should the Examiner have any questions or comments concerning this submission, or any aspect of the application, the Examiner is invited to call the undersigned at the phone number listed below.

Date: November 18, 2005

Respectfully submitted,



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